

CONCLUSION

The record establishes that appellant took the subject examination on April 20, 2021. Based solely on the appellant's remarks, he made efforts to file an appeal at the test center but was not successful, and filed his appeal the same day by email. Accepting this, the appeal is timely, and is not dismissed on the grounds of untimeliness.

Nonetheless, as the appellant was in a separate room, his answer sheet stub was handwritten rather than computer-generated. The stub included his last name and first initial, the date, his social security number, then "11-70 Total time 2 hrs 30 min," and the symbol number. Monitors are required to follow a set protocol when administering examinations. They start with, "All appeals of the test administration, not the exam content, must be done TODAY at the Test Center. If you wish to appeal how today's test was administered, please report to Room A after the test." Candidates were then told to clear their desks of everything except answer sheets and pencils, and to indicate if they did not have a pencil. The monitor then reads from a script:

Please verify that you have been given the correct answer sheet by looking on the upper right side of the answer sheet for your name and social security number. Below that, you will see the symbol or symbols that you have applied for, and below that it says, 'Answer these questions.' These are the ONLY questions you are to answer. Anything else will NOT be graded and will not count toward your score. Make sure, as you take your test that you are bubbling your answer in the corresponding number on your answer sheet. Are there ANY questions about which items you are to answer?"

Monitors are instructed to pause at this point and respond to questions.

As a result of this appeal, the monitor was consulted regarding the script. She states that she read the script, telling candidates that the questions to be answered and the time allowed to answer them are on the right side of the answer sheet (stub portion). She waited a few seconds and then asked if there were any questions. She told candidates that if they understood the questions and the allotted time, they should initial somewhere on the left side of the answer sheet. She states that when the exam was over a gentleman said he thought he had more time to answer. She looked at his answer sheet and told him he answered questions he was not supposed to, and perhaps he lost some time. She then reported that to the Center Supervisor.

As to time, the monitor instructions state, "Below the questions that you are to answer is the 'total time.' This is the amount of time that you have to answer the questions above." After giving all instructions, the monitor states, "Do you have any questions before we begin the exam?" The monitor did not state that the appellant asked what questions he should respond to during the pauses. After giving all instructions, the monitor asked, "Do you have any questions before we begin?" The monitor read the information to the candidates and the appellant was given opportunities to review which questions he was supposed to answer, and to ask questions if he was unsure of the directions, questions, or time allotted.

In any event, appellant has taken the examination, and had the opportunity to review the examination booklet, his answers and the scoring criteria. He was given the same examination as other candidates and was tested against others who were similarly situated. As such, in fairness to other candidates, the appellant cannot be given the same examination again.

A thorough review of the record indicates that the appellant has not met his burden of proof in this matter.

ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 27TH DAY OF OCTOBER, 2021



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